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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,235	04/24/2001	Aaron Hal Dinwiddie	RCA-89210	4995

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EXAMINER	
CASIANO, ANGEL L	
ART UNIT	PAPER NUMBER
2182	3

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/830,235	Applicant(s) DINWIDDIE ET AL.	
	Examiner Angel L. Casiano	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The present Office action is in response to application filed 24 April 2001 as amended by Preliminary amendment.

2. Claims 1-18 are pending. Claims 1-13 have been amended. Claims 14-18 remain as filed.

Priority

3. Acknowledgement is made concerning filing under 35 U.S.C. 371. Claim for Priority date set as 03 November 1998 is acknowledged.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 16 recites the limitation "said first signal" in reference to claim 15. Claim 17 recites the limitation "said second signal" and "said first signal" in reference to claim 16. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 5-7, 9, 10, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayes et al. [US 6,223,348 B1].

Regarding claim 1, Hayes et al. teaches an apparatus for loading computer code (see Abstract; col. 2, lines 27-30; col. 3, line 58). The apparatus, as disclosed, teaches a card interface (see col. 5, line 54) capable of distinguishing between card types (see col. 6, line 61). As it is well known in the art, integrated circuit cards and memory cards are types of storage devices in card format. The memory card (see "smart card") disclosed by Hayes et al. includes memory (see col. 6, line 64) and a memory unit controller (see col. 7, lines 58-60). Hayes et al. explicitly teaches a computer controlled device memory unit (see col. 7, line 8) for storing a computer code that is downloaded (see col. 8, lines 10-12) from the memory unit of the memory card.

As for claim 2, Hayes et al. teaches updating memory code (see col. 9, lines 3-6) in the computer controlled device memory.

As for claim 5, Hayes et al. teaches means for producing a first signal coupled to an integrated circuit card connection and means for analyzing a second signal produced by a memory card in response to the first signal (see col. 12, lines 1-3; col. 6, lines 57-63).

As for claim 6, integrated circuit cards that are not memory cards do not produce the cited signal (see col. 6, lines 57-63;col. 12, lines1-3).

In consideration of claim 7, Hayes et al. teaches applying a signal to a clock signal connector of the integrated circuit card connection (see col. 7, line 45) as well as receiving a second signal on a data input/output signal connector of the integrated circuit card connection (see col. 7, lines 43-44).

As for claim 9, Hayes et al. teaches transferring computer code from the memory card to the computer controlled device memory unit (see col. 3, lines 55-61; col. 6, lines 65-67).

Considering claim 10, Hayes et al. teaches means for accepting or rejecting the computer code for transference from the memory card to the computer controlled device memory unit (see col. 6, lines 65-67; col. 7, lines 1-12).

Regarding claim 18, Hayes et al. teaches an apparatus for updating computer code (see Abstract; col. 2, lines 27-30; col. 3, line 58) for controlling a computer controlled device. The apparatus, as disclosed, teaches a card interface (see col. 5, line 54) capable of distinguishing between card types (see col. 6, line 61). As it is well known in the art, integrated circuit cards and memory cards are types of storage devices in card format. The memory card (see "smart card") disclosed by Hayes et al. includes memory (see col. 6, line 64) and a memory unit controller (see col. 7, lines 58-60). Hayes et al. explicitly teaches a computer controlled device memory unit (see col. 7, line 8) for storing a computer code that is downloaded (see col. 8, lines 10-12) from the memory unit of the memory card. The cited prior art teaches programming the computer controlled device by the computer code that is downloaded from the memory unit of the memory card (see col. 3, lines 55-61).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3, 4, 8, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. [US 6,223,348 B1].

In consideration of claim 3, Hayes et al. does not explicitly teach a memory card having a high speed data port. Nonetheless, it does teach the application of a memory card for high speed communication purposes (see col. 1, line 44; col. 2, lines 36-38; col. 3, lines 51-52). Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a high speed data port into the prior art card, in order to enable the cited memory card for performing the functions disclosed by Hayes et al, which constitute high speed communication.

As for claim 4, Hayes et al. teaches transferring computer code from the memory card to the computer controlled device memory unit (see col. 3, lines 55-61; col. 6, lines 65-67). However, it does not teach a high speed data port. One of ordinary skill in the art at the time the invention was made would have been motivated to modify the prior art card, in order to enable the cited memory card to perform the functions disclosed by Hayes et al, which constitute high speed communication.

Considering claim 8, Hayes et al. does not explicitly teach a memory card having a high speed data path. Nonetheless, it does teach the application of a memory card for high speed communication purposes (see col. 1, line 44; col. 2, lines 36-38; col. 3, lines 51-52). Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a high speed data path into the prior art card, in order to enable the cited

memory card for performing the functions disclosed by Hayes et al, which constitute high speed communication.

Regarding claim 11, Hayes et al. teaches a method for loading computer code (see Abstract; col. 2, lines 27-30; col. 3, line 58) in a computer controlled device. The disclosed method teaches a card interface (see col. 5, line 54) capable of distinguishing (identifying) card types (see col. 6, line 61). As it is well known in the art, integrated circuit cards and memory cards are types of storage devices in card format. Hayes et al. discloses a computer controlled device memory (see col. 7, line 8) for storing a computer code that is transferred (see col. 8, lines 10-12) from the memory card. Nonetheless, Hayes et al. does not explicitly teach a memory card having a high speed data port for the step of transferring the computer code. The cited art does teach the application of a memory card for high speed communication purposes (see col. 1, line 44; col. 2, lines 36-38; col. 3, lines 51-52). Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a high speed data port into the prior art card, in order to enable the cited memory card for performing the functions disclosed by Hayes et al, which constitute high speed communication.

As for claim 12, Hayes et al. teaches a method including applying a first signal coupled to a memory card connection and analyzing a second signal produced by a memory card in response to the first signal (see col. 12, lines 1-3; col. 6, lines 57-63). In addition, Hayes et al. teaches a method capable of identifying card types (see col. 6, line 61).

As for claim 13, Hayes et al. does not teach a method including activating an NRSS interface. However, NRSS-type cards are well known in the art. In addition, Hayes et al. teaches an interface providing a clock signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made that NRSS cards constituted a specific type of the memory cards, as disclosed by Hayes et al.

Considering claim 14, Hayes et al. teaches a method including the step of analyzing a header of the computer code to determine the validity of the computer code (see 6, line 64).

As for claim 15, Hayes et al. teaches toggling a reset signal (inherent, see col. 7, lines 41-47).

As for claim 16, Hayes et al. teaches monitoring a clock input signal terminal for a first signal in response to the toggled signal (inherent, see col. 7, lines 41-47).

As for claim 17, Hayes et al. teaches a method where a second signal is generated in response to detection of a first signal (see col. 7, lines 41-47).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Wilkinson et al. [US 6,308,317 B1] teaches an integrated circuit card used with a terminal.

- Findley, Jr. et al. [US 5,979,773] teaches electronic data access and retrieval system.
- Jigour et al. [US 5,877,975] teaches insertable/removable digital memory apparatus and methods of operation.
- Jigour et al. [US 5,815,426] discloses adapter for interfacing an insertable/removable digital memory apparatus to a host data part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 8:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

alc

KIM HUYNH
PRIMARY EXAMINER 8/22/03